

**REMARKS**

With entry of this amendment, claims 10, 12-14, 16-19, 21, and 22 have been amended to depend from claim 9 (Invention Group III) and claims 4, 18, and 24 have been amended to correct typographical errors. No new matter has been added by way of this amendment. Thus, claims 1-5, 8-14, 16-19, and 21-24 remain pending and at issue.

**Restriction Requirement**

The Examiner has required restriction between the following Groups:

Group I, claims 1, 5, 8, 10-14, 16-19, 21 and 22, drawn to a method of treating a patient suffering from memory impairment and/or cognitive impairment;

Group II, claims 2-4, drawn to a method of treating a patient suffering from neuronal damage;

Group III, claim 9, drawn to a method of treating a patient suffering from tinnitus and/or other symptoms of cerebral insufficiency; and

Group IV, claims 23 and 24, drawn to a pharmaceutical composition comprising (+)-isopropyl 2-methoxyethyl 4-(2-chloro-3-cyano-phenyl)-1,4-dihydro-2,6-dimethyl-pyridine-3,5-dicarboxylate and one or more additional pharmaceutical agent.

Applicants select Group III (*i.e.*, claim 9) for examination, without traverse. Applicants respectfully submit that, as amended, claims 10-14, 16-19, 21, and 22 are included in Invention Group III since they depend from claim 9 and set forth a method for treating a patient suffering from tinnitus and/or other symptoms of cerebral insufficiency.

**Election of Species**

The Undersigned thanks the Examiner for his time on March 17, 2008 to discuss the species election. As a result of the March 17<sup>th</sup> discussion, an election of species is only required if Invention Group I is elected. Since Applicants elected Group III for prosecution, no species election is required.

**Conclusion**

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered, that the amendment be entered, and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: March 19, 2008

Respectfully submitted,

By   
Shelly M. Fujikawa

Registration No.: 56,190  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
(206) 262-8900  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant